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REMARKS/ARGUMENTS

In an Office Action dated November 18, 2003, the Examiner indicated that under 35 U.S.C. 121 Applicant is required to restrict the prosecution to one of the six inventions noted by the Examiner:

I. Claims 1-4, drawn to a flow meter, classified in class 73, subclass 861.355.

II. Claims 5-18 and 29-44, drawn to a method of affixing flow tube to legs, classified in class 156, subclass 294.

III. Claims 19-28, drawn to a fixture apparatus, classified in class 156, subclass 423.

IV. Claims 45-64, drawn to a method of affixing driver component/pick off component to flow tube, classified in class 156, subclass 297/304.1.

V. Claims 65-69, drawn to a method of manufacturing flow tubes, classified in class 264, subclass 176.1.

VI. Claims 70-72, drawn to a method of testing a flow meter, classified in class 73, subclass 861.355.

As directed by the Examiner, the applicant elects, with traverse, to prosecute the Group 2 claims including claims 5-18 and 29-44. The applicant traverses each assertion made by the Examiner in support of the restriction requirement.

The applicant asserts:

1) the inventions are not distinct. The invention is a method and apparatus that involves a flow meter comprised of a base, a flow tube made from a fluoropolymer substance, a driver for vibrating said flow tube, and at least one pick-off for detecting movement of said vibrating flow tube, said base having a first leg and a second leg that are parallel to one another, said first leg having a tube opening extending through said first leg, said second leg having a tube opening coaxial to said tube opening of said first leg and extending thr ugh said s cond leg.

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2) the Examiner presented no persuasive arguments showing that groups I through VI claims have acquired a separate status. The asserted differences in classification are of no probative value. It is hornbook law that the U.S.P.T.O. classification system exists only for the benefit of the U.S.P.T.O. to aid it in its mandated chores. Its classification scheme is of no interest to anyone beyond the U.S.P.T.O. Therefore, the proof of different classification (and an extended search) is dispositive of nothing.

It is submitted that the groups I-VI claims are directed to the same invention. It is requested that the restriction requirement be withdrawn as being without merit and that all claims be examined.

Respectfully submitted,

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